

CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:98-cv-04155-DLC

Consolidated Edison, et al v. U.S.A., et al
Assigned to: Judge Denise L. Cote
Demand: \$0
Case in other court: 99-06239.
Cause: 28:2201 Declaratory Judgement

Date Filed: 06/12/1998
Date Terminated: 12/17/2001
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Consolidated Edison Company of New York, Inc.

represented by **Daniel R. Murdock**
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TERMINATED: 10/22/1999
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Lori J. Van Auken
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Plaintiff

New York Power Authority

represented by **Daniel R. Murdock**
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Daniel R. Murdock
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Plaintiff

Niagara Mohawk Power Corporation

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Plaintiff

Rochester Gas and Electric Corporation

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Plaintiff

Arizona Public Service Company

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Plaintiff

Commonwealth Edison Company

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Plaintiff

Duke Energy Corporation

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Plaintiff

Florida Power Corporation

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Lori J. Van Auken
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Plaintiff

GPU Nuclear, Inc.
(on behalf of JERSEY CENTRAL POWER &
LIGHT COMPANY, METROPOLITAN
EDISON COMPANY and PENNSYLVANIA
ELECTRIC COMPANY)

represented by **Daniel R. Murdock**
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Plaintiff

Indiana Michigan Power Company

represented by **Daniel R. Murdock**
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Plaintiff

Peco Energy Company

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Plaintiff

Southern California Edison Company

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Plaintiff

**Southern Nuclear Operating Company,
Inc.**

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Daniel R. Murdock
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Plaintiff

Virginia Electric & Power Company

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Plaintiff

Washington Public Power Supply System

represented by **Daniel R. Murdock**
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Daniel R. Murdock
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LEAD ATTORNEY

Lori J. Van Auken
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Plaintiff

Wolf Creek Nuclear Operating Corporation
(on behalf of KANSAS CITY POWER &
LIGHT COMPANY, KANSAS ELECTRIC
POWER COOPERATIVE, INC., and KANSAS
GAS AND ELECTRIC COMPANY)

represented by **Daniel R. Murdock**
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LEAD ATTORNEY

Lori J. Van Auken
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Plaintiff

Entergy Gulf States, Inc.

represented by **Daniel R. Murdock**
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Daniel R. Murdock

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Plaintiff

Florida Power & Light Company

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Plaintiff

Nebraska Public Power District

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Plaintiff

System Fuels, Inc.

represented by **Daniel R. Murdock**
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Plaintiff

Texas Utilities Electric Company

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Plaintiff

Wisconsin Public Service Corporation

represented by **Daniel R. Murdock**
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Plaintiff**FirstEnergy Corp.**represented by **Lori J. Van Auken**
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*LEAD ATTORNEY***Plaintiff****EIS Utilities, Inc.**represented by **Lori J. Van Auken**
(See above for address)
*LEAD ATTORNEY***Plaintiff****Public Service Electric & Gas Corporation**represented by **Lori J. Van Auken**
(See above for address)
*LEAD ATTORNEY***Plaintiff****Carolina Power & Light Company**represented by **Lori J. Van Auken**
(See above for address)
*LEAD ATTORNEY***Plaintiff****Wisconsin Electric**represented by **Lori J. Van Auken**
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LEAD ATTORNEY

V.

Defendant**United States of America**represented by **Sheila Marie Gowan**
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*LEAD ATTORNEY***Defendant****United States Department of Energy**
*individually*represented by **Sheila Marie Gowan**
(See above for address)
*LEAD ATTORNEY***Defendant****United States Department of Energy**
as successor to the UNITED STATES
*ATOMIC ENERGY COMMISSION*represented by **Sheila Marie Gowan**
(See above for address)**Defendant**

**Energy Research and Development
Administration**

Date Filed	#	Docket Text
06/12/1998	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 318396 (bm) (Entered: 06/15/1998)
06/12/1998	2	Rule 1.9 certificate filed by Consolidated Edison Company of New York, Inc., New York Power Authority, Niagara Mohawk Power Corporation, Rochester Gas and Electric Corproation, Arizona Public Service Company, Commonwealth Edison Company, Duke Energy Corp., Florida Power Corporation, GPU Nuclear, Inc., Indiana Michigan Power Company, Peco Energy Company, Southern California Edison Company, Southern Nuclear Operating Company, Inc., Virginia Electric & Power Company, Washington Public Power Supply System, Wolf Creek Nuclear Operating Corporation (bm) (Entered: 06/15/1998)
06/12/1998		Magistrate Judge Ellis is so Designated. (bm) (Entered: 06/15/1998)
06/24/1998	3	Affidavit of service as to U.S. Dept. of Energy by Certified Mail on 6/16/98. Answer due on 7/6/98 for U.S. Dept. of Energy. (lam) (Entered: 06/26/1998)
06/24/1998	3	Affidavit of service as to U.S.A. by Enrique Carlton, authorized agent on 6/16/98. Answer due on 7/6/98 for U.S.A. (lam) (Entered: 06/26/1998)
07/22/1998	4	STIPULATION, that the time for the defts to respond to plttfs' First Request for the Production of Documents is extended for 30 days until 8/17/98 (signed by Judge Whitman Knapp). (lam) (Entered: 07/27/1998)
08/14/1998	5	FIRST AMENDED COMPLAINT for Declaratory and Injunctive Relief by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser , (Answer due 8/27/98 for U.S.A., for U.S. Dept. of Energy, for U.S. Dept. of Energy, for Energy Research) amending [1-1] complaint ; Summons issued. (lam) (Entered: 08/18/1998)
08/17/1998	6	NOTICE OF MOTION by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court of Federal Claims . Return date 9/10/98 @10:00am. (lam) (Entered: 08/20/1998)
08/17/1998	7	MEMORANDUM by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research in support of [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court of Federal Claims (lam) (Entered: 08/20/1998)
08/17/1998	8	DECLARATION in support of Sheila M. Gowan, AUSA for U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court of

		Federal Claims (lam) (Entered: 08/20/1998)
09/17/1998	9	STIPULATION, plttfs' Response to defts' motion reset to 9/24/98 to [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court Federal Claims ; defts' Reply to Response to Motion reset to 10/15/98 for [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court of Federal Claims (signed by Judge Whitman Knapp). (lam) (Entered: 09/21/1998)
09/25/1998	10	MEMORANDUM by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser in opposition to to the Government's [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court of Federal Claims (lam) (Entered: 09/28/1998)
09/25/1998	11	DECLARATION in support by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser [10-1] opposition memorandum (lam) (Entered: 09/28/1998)
10/15/1998	12	DECLARATION in further support of Sheila M. Govan, AUSA, atty for U.S.A., U.S. Dept. of Energy [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court Federal Claims (lam) (Entered: 10/16/1998)
10/15/1998	13	REPLY MEMORANDUM by U.S.A., U.S. Dept. of Energy re: in further support of their [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court Federal Claims (lam) (Entered: 10/16/1998)
12/01/1998	14	OPINION & ORDER #81573 denying [6-1] motion for a stay of these proceedings pending final resolution of the cases brought by plttfs in the US Court of Federal Claims; however, inasmuch as we believe, in accordance with 28 U.S.C. 1292(b), that this decision "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation," we certify this question for interlocutory appeal (Signed by Judge Whitman Knapp); Copies mailed. (orig doc. sent to Judgment Clerk on 12/2/98) (lam) (Entered: 12/02/1998)
12/11/1998	15	NOTICE OF MOTION by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research to transfer action to the Court of Claims , or in the alternative to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP . Return date not indicated. (lam) (Entered: 12/16/1998)
12/11/1998	16	MEMORANDUM by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research in support of [15-1] motion to transfer action to the Court of Claims, [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP (lam) (Entered: 12/16/1998)

12/11/1998	17	DECLARATION in support of Sheila M. Gowan, AUSA for U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research of [15-1] motion to transfer action to the Court of Claims, [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) the FRCP (lam) (Entered: 12/16/1998)
12/22/1998	18	ORDER TO SHOW CAUSE by plttfs; Show Cause Hearing set for 4:00 12/23/98 strikng the Motion to Dismiss as improperly duplicative and vexatious, purs to FRCP 12 (f) and the inherent powers of this Court ; declaring that this action is not statutorily stayed under 28 U.S.C. 1292(d)(4)(B); declaring that, if this Action were otherwise statutorily stayed under 28 U.S.C. 1292(d)(4)(B), such stay would not and does not bar preliminary proceedings in aid of an application for injunctive relief, including the granting of an order compelling discovery ; compelling production of documents in full compliance with plttfs' Document Request, purs to FRCP 27(a), by a date certain to be fixed by the Court ; requiring defts to pay plttfs their reasonable expenses incurred in making this motion, including attorney fees (signed by Judge Whitman Knapp); Copies mailed. (lam) Modified on 12/30/1998 (Entered: 12/28/1998)
12/22/1998	19	MEMORANDUM by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser in support of [18-1] motion strikng the Motion to Dismiss as improperly duplicative and vexatious, purs to FRCP 12 (f) and the inherent powers of this Court, [18-2] motion declaring that this action is not statutorily stayed under 28 U.S.C. 1292(d)(4)(B); declaring that, if this Action were otherwise statutorily stayed under 28 U.S.C. 1292(d)(4)(B), such stay would not and does not bar preliminary proceedings in aid of an application for injunctive relief, including the gnating of an order compelling discovery, [18-3] motion compelling production of documents in full compliance with plttfs' Document Request, purs to FRCP 27(a), by a date certain to be fixed by the Court, [18-4] motion requiring defts to pay plttfs their reasonable expenses incurred in making this motion, including attorney fees (lam) (Entered: 12/28/1998)
12/22/1998	20	AFFIDAVIT in support of Daniel R. Murdock, atty for Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser Re: [18-1] motion strikng the Motion to Dismiss as improperly duplicative and vexatious, purs to FRCP 12(f) and the inherent powers of this Court, [18-2] motion declaring that this action is not statutorily stayed under 28 U.S.C. 1292(d)(4)(B); declaring that, if this Action were otherwise statutorily stayed under 28 U.S.C. 1292(d)(4)(B), such stay would not and does not bar preliminary proceedings in aid of an application for injunctive relief, including the gnating of an order compelling discovery, [18-3] motion compelling production of documents in full compliance with plttfs' Document Request, purs to FRCP 27(a), by a date certain to be fixed by the Court, [18-4] motion requiring defts to pay plttfs their reasonable expenses incurred in making this motion, including attorney fees (lam) (Entered: 12/28/1998)

12/22/1998	21	Affidavit of service of Order to Show as to U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research on 12/21/98 at the US Atty's Office, SDNY. (lam) (Entered: 12/28/1998)
12/23/1998	22	DECLARATION in opposition of Sheila M. Gowan, AUSA for U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research to plttfs' [18-1] motion strikng the Motion to Dismiss as improperly duplicative and vexatious, purs to FRCP 12(f) and the inherent powers of this Court, [18-2] motion declaring that this action is not statutorily stayed under 28 U.S.C. 1292(d)(4)(B); declaring that, if this Action were otherwise statutorily stayed 28 U.S.C. 1292(d)(4)(B), such stay would not and does not bar preliminary proceedings in aid of an application for injunctive relief, including the granting of an order compelling discovery (lam) Modified on 12/30/1998 (Entered: 12/30/1998)
12/23/1998	23	MEMORANDUM by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research in opposition to [18-1] plttf's motion strikng the Motion to Dismiss as improperly duplicative and vexatious, purs to FRCP 12(f) and the inherent powers of this Court, [18-2] motion declaring that this action is not statutorily stayed under 28 U.S.C. 1292(d)(4)(B); declaring that, if this Action were otherwise statutorily stayed 28 U.S.C. 1292(d)(4)(B), such stay would not and does not bar preliminary proceedings in aid of an application for injunctive relief, including the granting of an order compelling discovery (lam) (Entered: 12/30/1998)
01/15/1999	24	Filed Memo-Endorsement on letter to Judge Knapp from Lori Van Auken dated 1/8/99, plaintiff's response to motion reset to 1/19/99 for [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP ; Government's reply to response to motion reset to 2/2/99 for [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP (signed by Judge Whitman Knapp) (kw) (Entered: 01/19/1999)
01/20/1999	25	AFFIDAVIT in opposition by Daniel R. Murdock, on behalf of plaintiff, to Re: [15-1] motion to transfer action to the Court of Claims, and [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP. (kw) (Entered: 01/22/1999)
01/20/1999	26	MEMORANDUM by Consolidated Edison in opposition to [15-1] motion to transfer action to the Court of Claims, and [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP. (kw) Modified on 01/22/1999 (Entered: 01/22/1999)
02/01/1999	27	Transcript of record of proceedings before Judge Knapp on 12/23/98. (kw) (Entered: 02/08/1999)
02/01/1999	28	Transcript of record of proceedings filed for dates of 11/20/98 @2:00pm before Judge Ward. (lam) (Entered: 02/09/1999)
02/04/1999	29	NOTICE OF MOTION by plaintiffs for an order granting leave to plaintiffs to file an amended complaint (kw) (Entered: 02/09/1999)
02/04/1999	30	DECLARATION in support by Daniel R. Murdock, Esq. of plaintiffs' [29-1] motion for an order granting leave to plaintiffs to file an complaint. (kw) (Entered: 02/09/1999)
02/04/1999	31	MEMORANDUM by plaintiffs' in support of [29-1] motion for an order granting leave

		to plaintiffs to file an amended complaint. (kw) (Entered: 02/09/1999)
02/10/1999	32	REPLY MEMORANDUM by the Government in further support of re: [15-1] motion to transfer action to the Court of Claims, and [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) the FRCP. (kw) (Entered: 02/16/1999)
04/12/1999	33	OPINION & ORDER #82181 denying [15-1] motion to transfer action to the Court of Claims, and denying [15-2] motion to dismiss for lack of subject matter jurisdiction purs to Rule 12(b)(1) of the FRCP. (Signed by Judge Whitman Knapp); Copies mailed. (kw) (Entered: 04/13/1999)
04/23/1999	34	Transcript of record of proceedings filed for dates of 2/11/99 @2:50pm before Judge Knapp. (lam) (Entered: 04/23/1999)
05/19/1999	35	NOTICE OF MOTION by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser. to lift the stay , and to compel discovery . With affidavits of Daniel R. Murdock, and Daniel F. Stenger attached. Return date not indicated. (lam) (Entered: 05/21/1999)
05/19/1999	36	MEMORANDUM by Pltff Utilities, Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser in support of [35-1] motion to lift the stay, [35-2] motion to compel discovery (lam) (Entered: 05/21/1999)
06/03/1999	37	BRIEF by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research in opposition to pltff's [35-2] motion to compel discovery (lam) (Entered: 06/04/1999)
06/03/1999	38	DECLARATION of Sheila M. Gowan, AUSA, for U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research in opposition Re: pltff's [35-2] motion to compel discovery . (lam) (Entered: 06/04/1999)
06/04/1999	39	Filed Memo-Endorsement on letter addressed to Judge Knapp, dated 5/20/99, from Sheila M. Gowan, Government's response to motion reset to 6/3/99 for [35-1] motion to lift the stay, and reset to 6/3/99 for [35-2] motion to compel discovery (signed by Judge Whitman Knapp); Copies mailed. (kw) (Entered: 06/04/1999)
06/10/1999	40	NOTICE OF APPEAL TO THE FEDERAL CIRCUIT by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, Energy Research ; from [33-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Daniel R. Murdock, Esq. (dt) Modified on 06/14/1999 (Entered: 06/10/1999)
06/10/1999		Notice of appeal and certified copy of docket to USCA: [40-1] appeal by Energy Research, U.S. Dept. of Energy, U.S. Dept. of Energy, U.S.A. ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 06/10/1999)
06/15/1999	41	REPLY MEMORANDUM by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy

		Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser re: in further support of [35-1] motion to lift the stay, [35-2] motion to compel discovery (lam) (Entered: 06/17/1999)
07/07/1999	42	OPINION & ORDER #82542, denying [35-1] motion to lift the stay, and denying [35-2] motion to compel discovery. (Signed by Judge Whitman Knapp); Copies mailed. (kw) (Entered: 07/08/1999)
07/21/1999	43	NOTICE OF MOTION by plaintiffs for an order certifying this Court's Order of 7/6/99, for interlocutory appeal under 28 USC 1292(b) (kw) (Entered: 07/22/1999)
07/21/1999	44	MEMORANDUM by plaintiffs in support of [43-1] motion for an order certifying this Court's Order of for interlocutory appeal under 28 USC 1292(b). (kw) (Entered: 07/22/1999)
08/03/1999	45	MEMORANDUM by U.S.A., U.S. Dept. of Energy in opposition to plttfs' [43-1] motion for an order certifying this Court's Order of 7/6/99, for interlocutory appeal under 28 USC 1292(b) (lam) (Entered: 08/04/1999)
08/04/1999	46	NOTICE OF MOTION by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser for leave to file an amended complaint purs to FRCP 15(a) . Return date not indicated. (lam) (Entered: 08/05/1999)
08/04/1999	47	DECLARATION of Lori J. Van Auken, atty for Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser in support Re: [46-1] motion for leave to file an amended complaint purs to FRCP 15(a) . (lam) Modified on 08/05/1999 (Entered: 08/05/1999)
08/04/1999	48	MEMORANDUM by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser in support of [46-1] motion for leave to file an amended complaint purs to FRCP 15(a) (lam) (Entered: 08/05/1999)
08/13/1999	50	REPLY MEMORANDUM by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska

		Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser re: in support of their [43-1] motion for an order certifying this Court's Order of for interlocutory appeal under 28 USC 1292(b) (lam) (Entered: 08/19/1999)
08/17/1999	49	MEMORANDUM by U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy, and Energy Research in opposition to [46-1] motion for leave to file an amended complaint purs to FRCP 15(a). (kw) (Entered: 08/18/1999)
09/02/1999	51	NOTICE OF APPEAL by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser ; from [42-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Sheila M. Gowan, Esq. \$105.00 Appeal filing fee paid September 2, 1999 on receipt # E 353690. (dt) (Entered: 09/02/1999)
09/02/1999		Notice of appeal and certified copy of docket to USCA: [51-1] appeal by Wisconsin Public Ser, Texas Utilities Elec, System Fuels, Inc., Nebraska Public Powe, Florida Power & Ligh, Entergy Gulf States, Wolf Creek Nuclear, Washington Public, Virginia Electric, Southern Nuclear, Southern Ca. Edison, Peco Energy Company, Indiana Michigan, GPU Nuclear, Inc., Florida Power Corp., Duke Energy Corp., Commonwealth Edison, Arizona Public, Rochester Gas, Niagara Mohawk Power, New York Power, Consolidated Edison ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 09/02/1999)
09/07/1999	52	ORDER, denying [43-1] motion for an order certifying this Court's Order of 7/6/99, for interlocutory appeal under 28 USC 1292(b) (signed by Judge Whitman Knapp); Copies mailed. (lam) (Entered: 09/09/1999)
12/01/1999	53	MEMORANDUM AND ORDER, granting [46-1] motion for leave to file an amended complaint purs to FRCP 15(a); granting [29-1] motion for an order granting leave to plaintiffs to file an amended complaint; Carolina Power & Light Co. and Wisconsin Electric Power Co. withdraw their lawsuit pending in the USDC for the District of Columbia ; the added plttfs shall recognize that our prior orders denying the Government's motion to transfer and denying the original plttfs' motion for discovery apply to them (signed by Judge Whitman Knapp); Copies mailed. (lam) (Entered: 12/06/1999)
12/16/1999	54	SECOND AMENDED COMPLAINT by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser, FirstEnergy Corp., EIS Utilities, Inc., Public Service Elect, Carolina Power Light, Wisconsin Electric (Answer due 1/5/00 for Energy Research, for U.S. Dept. of Energy, for U.S. Dept. of Energy, for U.S.A. amending [5-1] amended complaint; Summons issued. (lam) (Entered: 12/20/1999)
12/16/1999	55	AMENDED RULE 1.9 CERTIFICATE filed by Consolidated Edison. (kw) (Entered: 12/16/1999)

		12/20/1999)
01/03/2000	56	Transcript of record of proceedings before Judge Whitman Knapp for the date(s) of 11/23/99 @3:45pm. (lam) (Entered: 01/03/2000)
01/04/2000		USCA Case Number Re: [51-1] appeal by Wisconsin Public Ser, Texas Utilities Elec, System Fuels, Inc., Nebraska Public Powe, Florida Power & Ligh, Entergy Gulf States, Wolf Creek Nuclear, Washington Public, Virginia Electric, Southern Nuclear, Southern Ca. Edison, Peco Energy Company, Indiana Michigan, GPU Nuclear, Inc., Florida Power Corp., Duke Energy Corp., Commonwealth Edison, Arizona Public, Rochester Gas, Niagara Mohawk Power, New York Power, Consolidated Edison USCA NUMBER: 99-6239. (dt) (Entered: 01/04/2000)
01/05/2000	57	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [51-1] appeal by Wisconsin Public Ser, Texas Utilities Elec, System Fuels, Inc., Nebraska Public Powe, Florida Power & Ligh, Entergy Gulf States, Wolf Creek Nuclear, Washington Public, Virginia Electric, Southern Nuclear, Southern Ca. Edison, Peco Energy Company, Indiana Michigan, GPU Nuclear, Inc., Florida Power Corp., Duke Energy Corp., Commonwealth Edison, Arizona Public, Rochester Gas, Niagara Mohawk Power, New York Power, Consolidated Edison. (dt) (Entered: 01/05/2000)
03/02/2000	58	NOTICE of Entry of a copy of a Transfer Order by Consolidated Edison (lam) (Entered: 03/06/2000)
04/13/2000	59	ORDER, it has come to my attention that a family trust of which I am a trustee owns securities of Duke Energy Corporation and the New York State Power Authority, two of the many plaintiffs in these proceedings. Therefore, it seems appropriate that I now disqualify myself and request that these matters be reassigned ; (signed by Judge Whitman Knapp); copies mailed. (Sent a copy to the Case Assignment Clerk). (kw) Modified on 05/01/2000 (Entered: 04/14/2000)
04/26/2000	60	Notice of reassignment to Judge Harold Baer Jr. Copy of notice and judge's rules mailed to Attorney(s) of record: Lori J. Van Auken, Daniel R. Murdock. (em) (Entered: 04/27/2000)
05/08/2000	61	Notice of reassignment to Judge Denise L. Cote . Copy of notice and judge's rules mailed to Attorney(s) of record: Lori J. Van Auken, Daniel R. Murdock . (bm) (Entered: 05/11/2000)
06/01/2000	62	NOTICE of attorney appearance for U.S.A., U.S. Dept. of Energy, U.S. Dept. of Energy by Sheila M. Gowan.a (ri) (Entered: 06/02/2000)
07/19/2000	63	MANDATE OF USCA (certified copy) Re: Dismiss [51-1] appeal by Wisconsin Public Ser, Texas Utilities Elec, System Fuels, Inc., Nebraska Public Powe, Florida Power & Ligh, Entergy Gulf States, Wolf Creek Nuclear, Washington Public, Virginia Electric, Southern Nuclear, Southern Ca. Edison, Peco Energy Company, Indiana Michigan, GPU Nuclear, Inc., Florida Power Corp., Duke Energy Corp., Commonwealth Edison, Arizona Public, Rochester Gas, Niagara Mohawk Power, New York Power, Consolidated Edison. 99-6239, Roseann B. Mackechnie, Clerk. Statement of Cost taxed in the amount of \$61.67 in favor of Appeltes USA. Docketed as judgment # 00,1743, on 7/26/00. (sl) Modified on 07/28/2000 (Entered: 07/25/2000)
09/20/2000	64	MEMORANDUM OPINION AND ORDER #84561, denying [18-1] motion striking

		the Motion to Dismiss as improperly duplicative and vexatious, purs to FRCP 12(f) and the inherent powers of this Court; denying [18-2] motion declaring that this is not statutorily stayed under 28 U.S.C. 1292(d)(4)(B), declaring that, if this Action were otherwise statutorily stayed under 28 U.S.C. 1292(d)(4)(B), such stay would not and does not bar preliminary proceedings in aid of an application for injunctive relief, including the granting of an order compelling discovery; denying [18-3] motion compelling production of documents in full compliance with plttfs' Document Request, purs to FRCP 27(a), by a date certain to be fixed by the Court; denying [18-4] motion requiring defts to pay plttfs their reasonable expenses incurred in making this motion, including attorney fees. (signed by Judge Denise L. Cote); Copies mailed. (ae) (Entered: 09/21/2000)
11/21/2000	65	NOTICE OF MOTION by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser, FirstEnergy Corp., EIS Utilities, Inc., Public Service Elect, Carolina Power Light, Wisconsin Electric for an order, purs. to FRCP 15(a), granting the plttfs leave to amend their complaint ; Return date not indicated. (sac) (Entered: 11/22/2000)
11/21/2000	66	MEMORANDUM OF LAW by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser, FirstEnergy Corp., EIS Utilities, Inc., Public Service Elect, Carolina Power Light, Wisconsin Electric in support of [65-1] motion for an order, purs. to FRCP 15(a), granting the plttfs leave to amend their complaint. (sac) (Entered: 11/22/2000)
11/21/2000	67	DECLARATION of Lori Van Auken by Consolidated Edison, New York Power, Niagara Mohawk Power, Rochester Gas, Arizona Public, Commonwealth Edison, Duke Energy Corp., Florida Power Corp., GPU Nuclear, Inc., Indiana Michigan, Peco Energy Company, Southern Ca. Edison, Southern Nuclear, Virginia Electric, Washington Public, Wolf Creek Nuclear, Entergy Gulf States, Florida Power & Ligh, Nebraska Public Powe, System Fuels, Inc., Texas Utilities Elec, Wisconsin Public Ser, FirstEnergy Corp., EIS Utilities, Inc., Public Service Elect, Carolina Power Light, Wisconsin Electric in support Re: [65-1] motion for an order, purs. to FRCP 15(a), granting the plttfs leave to amend their complaint. (sac) (Entered: 11/22/2000)
12/05/2000	68	MEMORANDUM OF LAW by U.S.A. in opposition to [65-1] motion for an order, purs. to FRCP 15(a), granting the plttfs leave to amend their complaint . (cd) (Entered: 12/06/2000)
12/05/2000	69	DECLARATION of Sheila Gowan by U.S.A. in support Re: [65-1] motion for an order, purs. to FRCP 15(a), granting the plttfs leave to amend their complaint . (cd) (Entered: 12/06/2000)
03/26/2001	70	OPINION AND ORDER #85358; for the reasons stated herein, the statutory stay remains in effect. Discovery is stayed until the statutory stay is lifted . Denying without

		prejudice, [65-1] motion for an order, purs. to FRCP 15(a), granting the plttfs leave to amend their complaint. (signed by Judge Denise L. Cote); Copies mailed. (sn) (Entered: 03/28/2001)
03/26/2001		Memo endorsed on motion doc. #65; denied without prejudice motion for leave to amend complaint . (signed by Judge Denise L. Cote); Copies mailed. (kw) (Entered: 03/28/2001)
05/08/2001	71	ORDER, that the Government provide the Court and opposing counsel with a proposed order by 5/14/01. Pltffs provide the Court and the Government with any comments regarding the Government's proposed order by 5/28/01 . (signed by Judge Denise L. Cote); Copies mailed. (kg) (Entered: 05/09/2001)
06/06/2001	72	ORDER; that for the reasons articulated in this Court's 3/26/01 Opinion and Order, this action is stayed until the Federal Circuit issues its mandate; the parties are to inform the Court of any change of status in this action . (signed by Judge Denise L. Cote); Copies mailed. (kkc) (Entered: 06/07/2001)
12/17/2001	74	ORDER, on 12/11/01, the Court of Appeals for the Federal Circuit issued a mandate remanding case 98 civ. 4155, with instructions to this Court to transfer the action to the Court of Federal Claims. Accordingly, case 98 civ. 4155 is transferred to the Court of Federal Claims. Pursuant to 28 USC 1631, the Clerk of Court shall transfer case 98 civ. 4155 to the Court of Federal Claims . (signed by Judge Denise L. Cote); Copies mailed. (Certified copy sent to the Court of Federal Claims by cert. mail (70993400001430681883), ret. rec. req.) (Certified mail received on 12/26/01). (kw) Modified on 01/10/2002 (Entered: 12/20/2001)
12/17/2001		Case closed. (kw) (Entered: 12/20/2001)
12/17/2001	75	ORDER, the Government's request to this Court to vacate its 11/29/99 order is denied ; the Government's request to this Court to close the three cases consolidated with case 98 civ. 4155 by the MDL Panel is denied . (signed by Judge Denise L. Cote); Copies mailed. (kw) (Entered: 12/20/2001)
12/19/2001	73	MANDATE OF USCA (certified copy) Re: Reverse and remand [51-1] appeal by Wisconsin Public Ser, Texas Utilities Elec, System Fuels, Inc., Nebraska Public Powe, Florida Power & Ligh, Entergy Gulf States, Wolf Creek Nuclear, Washington Public, Virginia Electric, Southern Nuclear, Southern Ca. Edison, Peco Energy Company, Indiana Michigan, GPU Nuclear, Inc., Florida Power Corp., Duke Energy Corp., Commonwealth Edison, Arizona Public, Rochester Gas, Niagara Mohawk Power, New York Power, Consolidated Edison. The cause having been heard and considered, it is ordered and adjudged: Reversed and Remanded. Entered by order of the Court. Issued as mandate: 12/11/01, 99-1464 Jan Horbaly, Clerk, U.S.C.A. from the federal circuit. (rmo) (Entered: 12/19/2001)
02/06/2002	76	STIPULATION; that on or about 1/16/02, the Judicial Panel on Multidistrict Litigation entered a Conditional Remand Order remanding 00cv1424, 00cv1425, 00cv1426 to the U.S.D.C. for the District of Columbia. NO party to these litigations has filed a Ntc. of Opposition to the Conditional Remand Order as provided therein; the contents of the record in these litigations to be remanded to the U.S. Court for the District of Columbia are as set forth in this Stipulation and Order . (signed by Judge Whitman Knapp); forwarded a certified copy of this Order to the U.S.D.C. for District of Columbia of this documents (pl) Modified on 02/08/2002 (Entered: 02/08/2002)

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